

REMARKS

Claims 1 through 20 are pending in this application.

1. In paper no. 4, the Examiner restricted the present invention to one of following:

- I. Claims 1-6, drawn to a cathode for an electron tube, classified in class 313, subclass 346.
- II. Claims 7-20, drawn to a method of manufacturing a cathode for an electron tube, classified in class 445, subclass 51.

The Applicant provisionally elects group I with traverse, where group I includes claims 1-6 drawn to a cathode for an electron tube.

2. As specifically stated in MPEP § 803, the examiner must show that the (A) The inventions must be independent (see MEP § 802.01, § 806.04, § 808.01) or distinct as claimed (see MPEP §806.05 - §806.05(i)); **and** (B) There must be a **serious burden** on the examiner if restriction is required (see MPEP §803.02, § 806.04(a) -§806.04(i),§808.01(a), and § 808.02).

As stipulated above in *MPEP* §803, if the search can be made without serious burden, the Examiner must examine it on the merits even if there are separate and distinct inventions.

It is respectfully submitted that there would not be a serious burden upon the examiner.

First there are limitations in common in each of the groups as seen in claims 1 through 20. For example, the limitations of claim 1 from group I are in claim 10 from group II. For example, the base metal and the electron emissive layer with the limitation of the surface roughness of the

electron emissive layer to be less than or equal to 8 microns are in claim 10 from group II and in claim 1 which is from group I.

Secondly, there are some overlapping fields of search within the different groups.

Thirdly, for example, originally filed claims 7 through 10 which have the features of group II are dependent on claim 1 which has the features of group I.

Therefore, since there would be no serious burden on the Examiner and as required by *MPEP* §803, the Examiner must examine the entire application on the merits.

Further, the Applicant respectfully submits that the restriction requirement should be removed.

In view of the foregoing amendments and remarks, all claims are deemed to be allowable and this application is believed to be in condition to be passed to issue. If there are any questions, the examiner is asked to contact the applicant's attorney.

No fee is incurred by this Response. Should there be a deficiency in payment, or should other fees be incurred, the Commissioner is authorized to charge Deposit Account No. 02-4943 of

Applicant's undersigned attorney in the amount of such fees.

Respectfully submitted,

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